

Claims 17-19 are new.

### **35 USC 112**

Claim 1 has been written as a system thereby obviating the rejection of claims 1 and 5.

Claims 7 and 11 stand rejected allegedly because "it is not clear what structural limitations applicant intends to encompass with such language." In response the undersigned submits that both claims have been amended to exclude reference to this subject matter thereby obviating the rejection.

### **35 USC 102**

Claim 1, 4-8, 10-13, and 16 stand rejected under 102(b) as being allegedly anticipated by Adair (3,643,352). Adair is entitled "Overshoe for Golf," and regards an "overshoe [that] is of the flexible resilient kind which is stretched over an ordinary shoe and is has a plurality of cleats to give good footing." Abstract.

The undersigned submits that each of these claims are patentable over Adair because each recites language not disclosed or suggested in Adair. With respect to claim 1 and its dependent claims, the undersigned submits that Adair fails to at least disclose or suggest "a substantially planar sole surface coupled to the bottom edge of the band, the sole surface configured in the perimeter shape of the permanent treaded bottom of the athletic footcovering, the sole surface sized to extend between the toe portion and the heel portion of the athletic footcovering," as recited in claim 1. Rather, as can be seen in Figs. 1 and 2 of Adair, the overshoe of Adair contains an arch 13 spanning the heel and toe areas of the overshoe.

With respect to claim 8 and its dependent claims, the undersigned submits that Adair fails to at least suggest and disclose "An athletic footwear system" having "a removable outersole having a rigid planar sole plate" and a "sneaker with heel portion and a toe portion, the sneaker also having a permanent continuous treaded external sole with an outside perimeter edge." Nowhere in Adair is a sneaker discussed let

alone a sneaker with a continuos treded external sole as recited in the claim. Therefore, based at least on both of these distinctions, the undersigned submits that claim 8 and its dependent claims are patentable over Adair.

With regard to claims 13 and 16, the undersigned submits that Adair fails to at least suggest or disclose "turf knobs being integrally formed on the bottom surface of the outersole" as recited in claim 13. Rather, as can be seen in the figures and as described in its disclosure, the cleats in Adair are removable, thus, they are not integrally formed on the bottom surface of the outersole as recited in the claim. Therefore, the undersigned also submits that claims 13 and 16 are patentable over Adair

### **35 USC 103**

Claims 2, 3, 9, 14, and 15, stand rejected as being allegedly obvious over Adair in light of Smith (5,836,090). Without reaching the merits of combining these references, the undersigned submits that Smith fails to disclose or suggest any of the above language cited with respect to claims 1, 8, and 13, the independent claims 2,3,9, 14, and 15 depend. Thus, based at least on this distinction the undersigned submits that these claims are patentable over Adair, Smith and their combination.

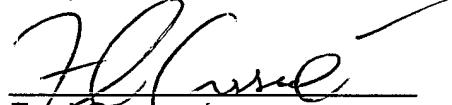
## CONCLUSION

The Applicants request reconsideration and allowance of each of the rejected claims in light of the above remarks and comments.

The Examiner is invited to contact the undersigned at 202-220-4311 with any questions or comments.

A paper entitled "Version With Markings To Show Changes Made" is attached hereto.

Respectfully submitted,

  
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(Reg. No. 43,644)

Date: August 20, 2002



## **V rsion With Markings To Show Changes Made**

### **In The Specification**

Replace the paragraph beginning on page 3 line 21 and ending on page 4 line 5 with the following paragraph.

In use the removable supplementary outersole 15 may be placed beneath the athletic footcovering 10 as shown by arrows 14. The elastic border may then be stretched while the bottom tread 12 of the athletic footcovering 10 is slid towards and comes in contact with the top surface of the plate 17. Once the tread 12 has been firmly placed against the top surface of the plate 17 the elastic border may be released and the athletic footcovering and removable outersole combination is ready for use. By adding the supplementary removable outersole 15 to the athletic footcovering 10, the athletic footcovering may now be worn as a cleated shoe. Thus, the athletic footcovering may be worn either with or without the removable outersole 15. When the outersole 15 is not on the athletic footcovering the athletic footcovering may be used for day to day activities and when the removable outersole 15 is added to the athletic footcovering 10 it may be used for athletic competitions requiring spikes or cleats such as soccer, golf, and football. The treaded bottom of the athletic footcovering allows the shoe to also be worn without the outersole 15. This treaded surface may include rubber, foam and other surfaces and may be both patterned and unpatterned.

Replace the paragraph beginning on page 6 line 6 and ending on line 12 with the following paragraph.

Also evident in Fig. 7 are the elastic border 73 and the turf knobs 74. As can be seen the elastic border is taller in this embodiment than in the previous embodiments and completely covers the lower portion of the athletic footcovering. In addition, rather than having the spikes or cleats of the previous embodiments the removable sole 70 in this embodiment contains a plurality of knobs 74 protruding from its lower surface.

These knobs are preferably formed as surface protrusions during the manufacturing of the removable outersole 70.

**In The Claims:**

Please amend claims 1-5, 7-8, 11 and 13 to read as follows.

1. (Amended) A removable cleated outersole system [for covering the permanent treaded bottom of an athletic footcovering, the removable outersole] comprising:

an athletic footcovering having a permanent substantially flat treaded bottom,

the treaded bottom having a toe portion, a heel portion, a perimeter side surface,

the perimeter side surface defining the perimeter shape of the permanent treaded bottom of the athletic footcovering;

an elastically deformable band defining a continuous loop,

the band having a top edge and a bottom edge,

the bottom edge of the band form[ing]ed in the shape of the perimeter [outline] shape of the permanent treaded bottom of the athletic footcovering;

a substantially planar sole surface coupled to the bottom edge of the band, the sole surface configured in the perimeter [outline] shape of the permanent treaded bottom of the athletic footcovering, the sole surface sized to extend between the toe portion and the heel portion of the athletic footcovering,

the sole surface having a bottom side; and

a plurality of sport cleats protruding from the bottom side of the sole surface.

~~24.~~ (Amended) The removable cleated outersole of claim 1 further comprising:

an anchoring strap having a first end and a second end,

the first end connected to the elastically deformable band,

the second end connected to the elastically deformable band, [and] the sole surface having a toe cap sized to cover [a] the toe portion of the athletic footcovering; and  
a rigid substantially planar sole plate coupled to and supporting the sole surface, the sole plate formed in the same shape as the sole surface.

3. (Amended) The removable cleated outersole of claim 2 wherein the anchoring strap is releasably connected to the deformable band and wherein the plurality of sport cleats are turf knobs formed as part of the bottom side of the sole surface of the removable cleated outersole.

4. (Amended) The removable cleated outersole of claim 1 wherein the elastically deformable band has a tapered cross-section, is made with spandex rubber and is the sole means for attaching the outersole to the athletic footcovering.

5. (Amended) The removable cleated outersole of claim 1 wherein the sole surface includes a rigid sole plate, the rigid sole plate sized to have the same perimeter shape and dimensions as the treaded bottom of the athletic footcovering.

7. (Amended) The removable cleated outersole of claim 5 wherein the sport cleats are [one of a soccer cleat, a rugby cleat, a baseball spike, a football spike, and a track sprinter's spike] are in the shape of a truncated cone with conical sides and have at least two different heights relative to one another when measured from a bottom of the sole surface.

8. (Amended) An [A] athletic footwear system [having a top surface] comprising:  
a removable outersole having a rigid planar sole plate;  
a sneaker with heel portion and a toe portion,  
the sneaker also having a permanent continuous treaded external

sole with an outside perimeter edge,

the removable outersole covering the external sole,

the permanent tressed external sole of the sneaker adapted for use without the removable outersole,

the permanent tressed external sole being substantially planar;

a plurality of sport cleats protruding from the removable outersole; and, an elastically deformable band secured to the entire perimeter of the removable outersole,

the elastically deformable band sized to removably secure the removable outersole to the permanent tressed sole.

9. (Amended) The athletic footwear of claim 8 wherein the elastically deformable band is coupled directly to the rigid planar sole plate [further comprising:

a support band attached to the elastically deformable band, the support band sized to stretch across a top surface of the athletic footwear,

the elastically deformable band secured to the perimeter of the removable outersole].

11. (Amended) The athletic footwear of claim 8 wherein [the sport cleats are one of a soccer cleat, a rugby cleat, a baseball cleat, a football spike, and a track sprinter's spike] the removable rigid planar sole plate is directly coupled to the elastically deformable band

and wherein a top surface of the rigid planar sole plate contacts the sneaker when the removable outersole is secured to the sneaker,

the elastically deformable band also defining a toe cap sized to fit over the toe portion of the sneaker,

the elastically deformable band also having a tapered cross-section ending in a point.

13. (Amended) A method of securing [cleats] turf knobs to an athletic footcovering, the athletic footcovering having bottom treads and a top, the method comprising : stretching an elastically deformable band around the perimeter of the bottom treads of the athletic footcovering, the elastically deformable band being shaped in the perimeter outline of the bottom treads of the athletic footcovering, the elastically deformable band having an outersole secured to it, the outersole having a top surface and a bottom surface, the outersole having a plurality of [cleats] turf knobs protruding from it the turf knobs being integrally formed on the bottom surface of the outersole and having at least two different heights when measured from the bottom surface ; and releasing the elastically deformable band.